IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1032 of 2007

MAHAVEER PRASAD
V/S
THE APPL.RENT TRIBUNAL,SGNR. & ORS.

Mr. CS KOTWANI, for the appellant / petitioner

Mr. RK THANVI, for the respondent

Date of Order : 2.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the impugned order of the learned lower Appellate Tribunal. The Tribunal has discussed the evidence, and has found that the plaintiff has established his reasonable and bonafide necessity for the suit premises. In my view, the finding is a pure finding of fact, and does not require any interference in my writ jurisdiction.

The writ petition is, therefore, dismissed summarily. However, at the request of the learned counsel for the petitioner, the petitioner is given one year's time from today to vacate the suit premises on the condition that the petitioner gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand

over the vacant possession of the suit premises to the respondent landlord and that during this period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the petitioner in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the petitioner fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

/sushil/